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LA4-122/50. NOTIFICATION.

The following Bills together with the Statements of Objects and Reasons are published as ordered by the Speaker, under Rule 33 of the Legislative Assembly Rules (as modified and adapted by the Speaker under Article 205 read with Article 288 clause (11) of the Constitution of India).

Assembly Office,
Trivandrum, 2nd March 1950.

V. KRISHNAMOORTHI AIYAR,
Secretary to the Legislative Assembly.

THE TRAVANCORE SUCCESSION CERTIFICATE ACT (AMENDMENT) BILL

Preamble.

WHEREAS it is expedient further to amend the Travancore Succession Certificate Act, 1090 (IX of 1090), as emended by Acts V of 1093 and III of 1105 for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Travancore Succession Certificate (Amendment) Act, 1950.

(2) It shall come into force at once.

Insertion of Section 15 A in Act IX of 1090.

2. After Section 15 of the Travancore Succession Certificate Act, 1090 (IX of 1090) as amended by Acts V of 1092 and III of 1105, the following Section shall be inserted, namely :—

Effect of certificate granted by Courts in India.

"15 A. Where a certificate in the form, as nearly as circumstances admit, of the Schedule has been granted to a resident within any State or territories specified in the First Schedule to the Constitution of India by a District Judge of such State or territories, or to a resident within a foreign State by the Representative of India accredited to the State, or where a certificate so granted has been extended in such form by such Judge or Representative, the certificate shall, when stamped in accordance with the provisions of the United State of Travancore and Cochin Court Fees Act, II of 1125, with respect to certificates under this Act, have the same effect in Travancore, as a certificate granted or extended under this Act."

Repeal and Saving.

3. (1) The Travancore Succession Certificate Act (Amendment) Ordinance, 1125 (VII of 1125) is hereby repealed.

(2) The repeal by this Act of the said Ordinance shall not affect the previous operation thereof, and any order made, action taken, proceedings instituted or thing done, in the exercise of any powers conferred by or under the said Ordinance shall for all purposes be deemed to have been made, taken or done in the exercise of powers conferred by this Act as if this Act had commenced on the 18th day of October 1949.

STATEMENT OF OBJECTS AND REASONS.

The Travancore Succession Certificate Act (Amendment) Ordinance, 1125 (VII of 1125) will expire shortly. This Ordinance was intended to provide for reciprocity in the matter of recognition of succession certificates issued in Provinces and States in India. It is necessary to replace this Ordinance by an Act of the Legislature. Hence the Bill.

T. K. NARAYANA PILLAI.

THE HOLDINGS (STAY OF EXECUTION PROCEEDINGS) BILL.

Preamble.

WHEREAS it is deemed expedient to stay proceedings in execution of certain decrees in civil courts for eviction from holdings in Travancore;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Holdings (Stay of Execution Proceedings) Act, 1950.

(2) It extends to the whole of Travancore.

(3) It shall come into force at once.

Interpretation.

2. In this Act unless there is anything repugnant in the subject or context—

"Holding" means any immovable property held under a single transaction by which a lease-hold right in the property is created and possession of the property is transferred by one person in favour of another; but shall not include *Varam* or *Pathivaram*.

In what cases the Act shall not apply.

3. This Act shall not apply to—

(a) lands owned by Government; or

(b) lands owned by Devaswoms administered by the Devaswom Board; or

(c) Sripandaravakai, Kandukrishi and Sripadam lands; or

(d) property administered by the Administrator-General or Official Receiver or by any officer appointed by a Court under the provisions of any law in force or by any person holding under or deriving title from any of them; or

(e) buildings rented out including houses, shops or warehouses and the sites thereof together with the gardens or lands appurtenant thereto; or

(f) lands or building or both given on lease for industrial or commercial purposes; or

(g) lands transferred for felling timber or for fugitive cultivation or for planting trees, coffee, rubber or any other special crop prescribed by a rule or order made by Government or the erection of any building for the purpose of or ancillary to the cultivation of such crop or the preparation of the same for the market.

4. Notwithstanding any law to the contrary, proceedings in execution of a decree in a suit for the recovery of possession of a holding shall, so far as they relate to the delivery of possession of the holding, be stayed for a period of one year from the date of commencement of this Act:

Stay of execution proceedings.

Provided that the stay of such delivery of possession shall not preclude the courts from granting any other relief which the decree holder may be entitled to under the decree.

5. In computing the period of limitation prescribed for the execution of any decree, the time during which execution proceedings are stayed under this Act shall be excluded.

Computing period of limitation.

6. (1) The Holdings (Stay of Execution Proceedings) Ordinance, 1125 (II of 1125) is hereby repealed.

Repeal and saving.

(2) The repeal by this Act of the said Ordinance shall not affect the previous operation thereof, and any order made, action taken, proceedings instituted or thing done in the exercise of any powers conferred by or under the said Ordinance shall for all purposes be deemed to have been made, taken or done as if this Act had commenced on the 25th day of September 1949.

Statement of Objects and Reasons.

The Holdings (Stay of Execution Proceedings) Ordinance, 1125 is due to expire shortly. The Land Committee appointed to consider and report on the agrarian problem is studying and enquiring into the matter. It is only on the basis of this report that Government can take a decision on the questions involved and the nature of the legislation necessary to implement the same. In the meantime it is considered necessary to replace the Ordinance by means of an Act of the Legislature and provide for stay of execution proceedings for a further period of one year from the commencement of the Act. Hence the Bill.

T. K. NARAYANA PILLAI.

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